

STATE OF INDIANA)	IN THE MARION SUPERIOR COURT
) SS:	CRIMINAL DIVISION, ROOM
COUNTY OF MARION)	
STATE OF INDIANA)	
V)	
)	<u>INFORMATION</u>
)	COUNT I
ROBERT LAWSON)	OBSTRUCTION OF JUSTICE
W/M DOB: 8/18/1976)	I.C. 35-44.1-2-2(a)(4), LEVEL 6 FELONY
		COUNT II
		PERJURY, I.C. 35-44.1-2-1(a)(1),
		LEVEL 6 FELONY
		COUNT III
		BATTERY, I.C. 35-42-2-1(c)(d)(1)
		CLASS A MISDEMEANOR
		COUNT IV
		FALSE INFORMING, I.C. 35-44.1-2-3 (d)(1),
		CLASS B MISDEMEANOR
		COUNT V
		OFFICIAL MISCONDUCT, I.C.35-44.1-1-
		1(1), LEVEL 6 FELONY

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn on his/her oath (or having affirmed), stated that in Marion County, Indiana

COUNT I: OBSTRUCTION OF JUSTICE

ROBERT LAWSON, on or about August 29, 2019, did knowingly make, present or use a false record, document or things, that is: probable cause affidavit and/or police report, with intent that the record, document, or thing material to the point in question, appear in evidence in an official proceeding or investigation to mislead a public servant;

COUNT II: PERJURY

ROBERT LAWSON, on or about August 29, 2019, did knowingly make a false, material statement under oath or affirmation, that is: "Officer Lawson fearing that CW (AW) was about to strike him, threw an open hand palm strike" and/or "The palm strike was successful and knocked CW (AW) around and officers were able to cuff CW(AW) without any further force" and/or "Sergeant Jenkins who was next to Officer Lawson and CW (AW) during the incident stated she

observed CW (AW) swing his fist at Officer Lawson a split second before Officer Lawson threw the palm strike however CW (AW) did not make contact”, knowing the statement to be false or not believing it to be true;

COUNT III: BATTERY

ROBERT LAWSON, on or about August 29, 2019, did knowingly touch, that is: hit with a closed fist and/or knee strike to AW, in a rude, insolent, or angry manner and it resulted in bodily injury, that is: pain;

COUNT IV: FALSE INFORMING

ROBERT LAWSON, on or about August 29, 2019, did knowingly give false information, that is: “Officer Lawson fearing that CW(AW) was about to strike him, threw an open hand palm strike” and/or “The palm strike was successful and knocked CW (AW) around and officers were able to cuff CW (AW) without any further force” and/or “Sergeant Jenkins who was next to Officer Lawson and CW (AW) during the incident stated she observed CW (AW) swing his fist at Officer Lawson a split second before Officer Lawson threw the palm strike however CW (AW) did not make contact”, in the official investigation of the commission of a crime, knowing the report or information to be false;

COUNT V: OFFICIAL MISCONDUCT

ROBERT LAWSON, on or about August 29, 2019, did knowingly commit an offense, that is: Obstruction of Justice and/or Perjury and/or False Informing and/or Battery, in the performance of the public servant’s official duties;

All of which is contrary to statute and against the peace and dignity of the State of Indiana.

September 16, 2019

Date

TERRY CURRY
Marion County Prosecutor

19th Judicial Circuit

/s/ Janna Skelton

Deputy Prosecuting Attorney

State's witnesses:

John Howard IMPD

Christopher Lucas IMPD

Mark Barnett IMPD

Marzetta Jenkins, IPSPD

Danielle Pointer

DP

AW

AFFIDAVIT
FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Detective John Howard swears (affirms) that:

On August 29th, 2019, Indianapolis Metropolitan Police Department (IMPD) Officers Robert Lawson and Christopher Lucas were dispatched to Shortridge High School to assist Indianapolis Public Schools Police Department with a disturbance/fight at 1:20pm.

Officer Robert Carter, with the Indianapolis Public Schools Police Department (IPSPD), was working in the hallway at Shortridge High School when a fight broke out between juvenile males. Ofc Carter used OC Spray on students that were fighting to disperse the crowd. The disturbance was large enough that Ofc Carter requested assistance from IMPD. Sgt Marzetta Jenkins with IPSPD also responded to the disturbance and attempted to calm AW as he was actively resisting on the ground when she arrived. I interviewed Sgt. Jenkins on September 5, 2019. Sgt Jenkins stated that AW was being restrained by Ofc Carter, Pete Swartz and Mr. Woods. Swartz and Woods are staff members. Ofc Lawson and Lucas arrived and observed AW actively resisting while being restrained on the ground. Sgt Jenkins calmed down AW and then had staff move away from the area. Ofc Lucas and Lawson were then no longer needed and started to return to their vehicles.

A person who identified herself as AW's mother, Danielle Pointer, came to the school to pick him up. (Later in the investigation it was learned that Pointer is AW's aunt and not his mother). Sgt Jenkins then walked AW, still in handcuffs, around the north end of the school to take AW to Pointer. Pointer cursed and screamed at Sgt Jenkins and asked why he was in handcuffs since he was the victim. Sgt Jenkins told Pointer to take AW and leave school property. Pointer demanded that AW's property (Belt and Backpack) be brought out to her. Sgt Jenkins attempted to talk with Pointer, but then walked away from Pointer.

Sgt Jenkins went up to the entrance to the school and heard the IMPD officers say "get off the property". Sgt Jenkins turned around and saw Pointer turn away from the officers and observed AW move aggressively toward the officer pulling his pants up. Sgt Jenkins referred to that mannerism as "booting-up" like they're getting ready to fight. Sgt Jenkins said that she saw the movement of the officer and heard Pointer yelling no, no, no. Sgt Jenkins then went past the fight and positioned herself to keep other people including DP from becoming involved. After AW was in handcuffs Sgt Jenkins heard AW make a comment to the effect of "I ain't letting nobody put their motherfucking hands on me or my family. Lawson arrests AW, a juvenile and called for a jail wagon.

A juvenile fact sheet was prepared by Lawson and dropped off at RSR at 2:55pm. A juvenile fact sheet is a form completed by the officer which contains the juvenile's information and a brief description of what happens when a juvenile is arrested. Lawson then prepared a police report and probable cause

affidavit under penalties of perjury with electronic signature for arrest at 3:27pm. The juvenile identified as CW is in fact AW. Below is Lawson's probable cause:

On 8-29-2019, Officer Lawson and Officer Lucas both with IMPD were dispatched to Short Ridge High School located at 3401 N Meridian Street on assist school police with a large fight inside the school. Upon arrival teachers and school police were trying to lockdown the school after a large fight broke out and students were out of control. There were students running around the hall ways and teachers were trying to get them into class rooms. In the cafeteria school police officer Sergeant Jenkins had the root of the disturbance detained, the subject was identified as CW. Officer Lawson and Officer Lucas were then flagged down by a teacher about an out of control parent that entered the school during the lockdown. The parent was identified as Coe Smith. Officers later found out that Smith was CW's mother. Smith was yelling and screaming at officers, teachers and students cursing them out causing a scene to the point where all the students and teachers came out to watch.

Smith wanted to pick up CW [AW] and Sergeant Jenkins brought CW outside of the school to release him to his mother. However Smith continued to curse officers demanding to know where CW's backpack was because it was a Nike backpack. Sergeant Jenkins sent someone inside to look for the backpack and Smith still screaming at the top of her lungs cursing and threatening everyone was drawing a crowd. Subjects from the building across from Meridian Street came out to watch. At that point Officer Lawson advised Smith to lower her voice because she was causing a disturbance and disturbing the peace. Smith became more angry and continued to curse out loud at officers while students teachers and neighbors watched. Officer Lawson advised her that she would be arrested for disorderly conduct if she did not stop. Smith continued and Officer Lawson told Smith to put her hands behind her back and reach to grab her arm. Smith violently pulled away and at that time CW stepped up to Officer Lawson and was about a foot from being chest to chest. CW's face was clinched in anger and both hands were balled into fist. CW then moved his right shoulder back and bladed his body. Officer Lawson with his training and experience observed that CW was taking a fighting stance and was about to strike Officer Lawson. Officer Lawson fearing that CW was about to strike him, threw an open hand palm strike, making contact to CW left cheek/neck area to create distance and stun CW to keep from getting hit. The palm strike was successful and knocked CW around and officers were able to cuff CW without any further force.

Sergeant Jenkins who was next to Officer Lawson and CW during the incident stated she observed CW swing his fist at Officer Lawson a split second before Officer Lawson threw the palm strike, however CW did not make contact.

CW was then arrested for disorderly conduct for knowingly and intentionally attempting to fight with Officer Lawson. And resisting and interfering with law enforcement for interfering with officers that were trying to take his mother Smith into custody.

A201 arrived to the scene to do a use of force special. CW had no injuries and medics were on scene for a separate incident. Officer Lawson will complete a blue team use of force report.

CW was under arrest, however juvenile and RSR refused to take CW for the charges and he was released to Smith.

All events took place in Marion County, Indiana.

I swear (affirm) under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Robert Lawson

After the incident Lt Minch responded to Shortridge High School to conduct a supervisory investigation on Lawson's use of force, which is standard when a police officer uses force. Lawson stated to Lt Minch that CW [AW] "stepped in front of me and squared his shoulders". "He had both fists balled up and began to blade his body so I struck him." Lt Minch asked how Lawson hit CW and Lawson demonstrated to Lt Minch a palm heel strike by showing his hand with his thumb extended away from the palm and the fingers were loose and higher up on the palm with the heel of the palm exposed. Lawson indicated that was the only force he used in the incident. Lt Minch attempted to speak with CW, but he refused.

Pointer was not detained or arrested. Lawson requested a jail wagon. A call was made to RSR (Juvenile Facility). AW was then released to Pointer and his mother who had arrived on the scene

A video clip of a portion of the incident began circulating on social media on August 29, 2019 and media outlets published the video on August 30, 2019.

During the investigation, I obtained a video taken from across Meridian Street. In the video, Jenkins is walking away from Pointer as she continues to scream. In the video Pointer yells and curses at Ofc Lucas and Lawson who are both standing on the landing above her. AW and DP are behind Pointer. Pointer walks toward Ofc Lucas and Lawson continues to scream. Pointer then screams "You Mother Fuckers standing here looking at me". Ofc Lucas then points toward Meridian Street and states, "You can leave the property". At the same time Ofc Lawson, while looking directly at Pointer, states "You wanna go to jail? You wanna go to jail?" Lawson says this as he is walking toward Pointer reaching behind his back appearing to reach for his handcuffs. He then says, "Let's go". At the same time Pointer can be heard saying "For what? Protecting my child." Lawson continues toward Pointer and reaches out for Pointer's arm. She then turns away and Lawson never made contact. At this time, the video shows AW step toward Lawson pulling his pants up. Lawson then looks toward AW. AW begins to drop his hands to his side as he comes to a stop in front of Lawson and AW's left hand is open and his right hand is open and then becomes hidden behind a rail and DP's leg. Lawson is slightly turned to the left and his right hand is balled into a fist. Lawson then strikes AW with a closed fist in the left jaw/neck area and AW is knocked to the side. Lawson then places AW's neck in a clinch, by placing both his left hand behind AW's neck and pulling him down while his right hand is grabbing AW's shoulder. Lawson's raises his right leg, in what appears to be a knee strike, to the chest/abdomen area

of AW. A passing car obstructs the view of where the knee strike impacts. Pointer then can be seen grabbing AW from behind and Pointer and AW fall to the ground. Both officers then back away as Pointer holds onto AW. Sgt Jenkins comes to assist and tells DP to step back. Pointer and AW stand up and begin to walk toward the street when both officers move back in and place AW in handcuffs.

In the September 5, 2019 interview, Jenkins told me that she was by the front door of the school when the incident occurred. Sgt Jenkins also told me that she did not tell Lawson that she observed AW swing his fist as stated in the probable cause affidavit. I asked her about the mannerisms displayed by AW as he pulled his pants up and dropped his hands as he approached Lawson. Sgt Jenkins referred to the mannerism as "booting up". She stated that "booting up" is often followed by a physical altercation. She also indicated that AW "aggressively" moved toward the officer. Sgt Jenkins stated that later after AW was in cuffs he made the statement that nobody was going to put hands on his aunt and he was trying to protect her.

I interviewed Danielle Pointer on September 5, 2019, who stated that her son, identified as DP, was involved in the disturbance and called her from the nurse's station at Shortridge HS. Pointer went to the school (which was on lock down from the disturbance) and was allowed into the school by students at the Meridian Street entrance. Pointer admitted that she was upset because she was not getting answers about the situation that involved her son and AW. Pointer stated that AW is her nephew and DP's cousin. DP left the nurse's stations and went to be with his mother. Pointer also requested to see AW. Pointer admitted being upset, angry and loud during the incident. She was angry because the school not bringing AW's backpack and belt out to them. Pointer stated that Lawson never told her that she was under arrest or to put her hands behind her back. She stated that she was leaving the property after he asked her if she wanted to go to jail. Pointer stated that she thought AW was approaching Lawson because AW thought Lawson told him to come here and that he was also under arrest.

I then interviewed DP with Pointer. In the video, you can hear a male stating "chill out bro, chill out." DP admitted that he was the one that said that and it was directed at Lawson. DP stated he believes that AW stepped in front of Lawson to protect his mother(Pointer). Pointer and DP consented to a search to allow IMPD Digital Forensics to search for and download that video from DP's cell phone. Detective Mark Barnett completed that task and returned the cell phone to DP. I later received a CD containing that video.

I interviewed Officer Lucas on September 3 and September 10, 2019. He said that he and Ofc Lawson were returning to their vehicles they heard loud banging on the doors off Meridian Street at Southridge High School and they walked toward the doors. Pointer was let in the school by a student and was being loud and cursing while complaining that her son was pepper sprayed. Pointer instructed DP to begin recording with his mobile phone. Both Pointer and DP stepped outside the building as they waited for AW to be brought to them. Pointer continued to be loud and cursed at officers from outside the building according to Lucas. He said that Pointer continued to yell at SGT Jenkins and that he and Lawson left the school and went outside to the disturbance. Pointer continued to yell and she

was asked to leave the property by Jenkins. When she didn't leave Lawson said tell her she's under arrest and to put her hands behind her back. Pointer then pulled away which caused the kid (AW) to try and defend his mom(Pointer). AW walked toward Lawson, pulled up his pants, kind of clenched his fist like he was going to take a swing at Lawson. Lawson threw a strike with his right hand and that hit the side of AW's head. Lucas could not tell if Lawson had a closed fist or not from his position. AW stumbled to the side and Pointer grabbed him and calmed him down. AW was then placed in hand cuffs.

I interviewed Sgt Aaron Sullivan, Training Unit Supervisor, for the IMPD training academy. Sgt. Sullivan stated that during Lawson's recruit training in 2008 he would have been instructed on how to deliver strikes with a closed fist and the use of a clinch and knee-strike. Lawson would also have been trained on recognizing pre-attack indicators.

I interviewed AW on September 9, 2019. He said that while he was outside in front of the school that he believed that Lawson was calling him over to speak with him. When asked why he thought Lawson was calling him over he said that Lawson looked at him and he interpreted that to be a signal for him to walk over to Lawson. I showed AW the video and asked him to show me at what point Lawson signaled him to come over. He indicated a moment in the video when Lawson is still looking at Pointer. He said that is when Lawson wanted him to come to him. AW stated that Lawson struck him with his right hand and indicated it was a fist. AW stated that Lawson then grabbed the top of his head and "knee kicked" him in the stomach. AW stated that the punch caused pain and the "knee kick" caused pain. I asked AW about the term "booting-up" and he said that in some circumstances that it could be seen as aggressive. AW was not surprised that DP thought he was stepping up to Lawson to protect Pointer.

In the police report and probable cause affidavit, Lawson states: ***Officer Lawson advised her that she would be arrested for disorderly conduct if she did not stop. Smith continued and Officer Lawson told Smith to put her hands behind her back***

In the video Lawson says "Do you want to go to jail?" "Do you want to go to jail? Let's go." He then reaches for Pointer who pulls her arm away and walks away.

In the police report and probable cause affidavit Lawson states: ***CW face was clinched in anger and both hands were balled into fist.***

AW's face cannot be seen from the angle of any video viewed. AW' left hand is open and not a fist. As AW's right hand drops it is not to a fist. It then becomes obstructed by a stair rail and DP's leg.

In the police report and probable cause affidavit Lawson states: ***Officer Lawson fearing that CW was about to strike him, threw an open hand palm strike***

In the video, Lawson strikes AW with a closed fist with a protruding thumb, not a palm strike.

In the PC Lawson states: ***The palm strike was successful and knocked CW around and officers were able to cuff CW without any further force.***

The video shows after the initial strike that Lawson maneuvers AW into a clinch by placing his left hand behind his neck and pulling down and then controlling AW's shoulder with his right hand. Lawson then delivers a knee strike to AW's abdomen/chest area. It is after that strike that AW goes to the ground as Pointer intervenes.

In the PC Lawson states: ***Sergeant Jenkins who was next to Officer Lawson and CW during the incident stated she observed CW swing his fist at Officer Lawson a split second before Officer Lawson threw the palm strike, however CW did not make contact.***

In an interview Jenkins stated that she was by the front door of the school when the incident occurred. In the video Jenkins can be observed standing by the doors that enter Shortridge High School. Sgt Jenkins also stated that she did not tell Lawson that she observed AW swing his fist as he stated in the police report/probable cause affidavit.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

ALL EVENTS OCCURRED IN MARION COUNTY, INDIANA

Date: 9/13/19

AFFIANT

/s/ John Howard